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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,496	02/26/2004	David C. Nemir	70004-9601-CIP2	9093

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EXAMINER	
A, MINH D	

ART UNIT	PAPER NUMBER
2821	

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/789,496	NEMIR ET AL.	
	Examiner	Art Unit	
	Minh D. A	2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 October 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40 and 42-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 27-40, 42-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 27-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Regarding claims 27-28, the phrase "wherein said plurality numbers no more than four or wherein two of said no more than four...." renders the claims indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. They are indefinite, since what kind of plurality number no more than four for using any purpose or for hours or for reset number or for conductors....etc.. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 27-40, 42-55 are rejected under 35 U.S.C. 102(b) as being anticipated by Murphy et al (US 4,857,759).

Regarding claim 1, Murphy discloses an alternating current outlet adapter; an apparatus being entirely resident within an appliance plug, the plug(4) comprising power delivery conductors(11 and 12) and the apparatus comprising a programmable controller(microprocessor(1)) for programming exclusively through a plurality of the power delivery conductors (11 and 12) for programming exclusively through a plurality of the power delivery conductors(11 and 12). See figures 1-4, col.2, lines 39-68 to col.6, lines 1-20.

Regarding claim 27, Murphy discloses the plurality numbers conductors no more than four. See figures 1-2.

Regarding claim 28, Murphy discloses wherein two of conductors no more than four are electrically shorted together such that said plurality of power delivery conductors consists of three electrically unique power delivery conductors. See figures 1-2.

Regarding claim 29, Murphy discloses wherein a programming signal is applied to two of said three electrically unique power delivery conductors. See figures 1-2.

Regarding claim 30, Murphy discloses wherein said programming signal comprises a series of pulses. See figure 2.

Regarding claim 31, Murphy discloses wherein a data line and a clock line of said controller are controlled by application of a programming signal applied to two of said three electrically unique power delivery conductors. See figure 2.

Regarding claim 32, Murphy discloses wherein a mixture of direct and alternating current signals is applied to two of said three electrically unique power delivery conductors. See figures 1-2.

Regarding claim 33, Murphy discloses the mixture of direct and alternating current signals places said programmable controller(16) into a programming mode. See figure 2.

Regarding claims 34-35, Murphy discloses wherein at least one of said signals comprises a high frequency signal or wherein said programmable controller is electronically configured to implement a set of control actions. See figures 1-2.

Regarding claim 36, Murphy discloses the programmable controller comprises a microcontroller. See figure 2.

Regarding claim 37, Murphy discloses the controller controls an element selected from the group consisting of transistors(40). See figures 1-2.

Regarding claim 38, Murphy discloses the programmable controller is programmed via electronic signals from a programmer. See figures 1-2.

Regarding claim 39, Murphy discloses wherein the controller (16) is programmable after said apparatus is assembled and the controller of the apparatus is entirely resident within said appliance plug or a plug-in module. See figures 1-2.

Regarding claim 40, Murphy discloses wherein said apparatus enables an appliance electrically connected thereto to operate in a manner different from that originally intended. See figures 1-2.

Regarding claim 42, Murphy discloses method for control of an alternating current appliance, the method comprising the steps of: providing a programmable controller; providing an appliance plug or a plug-in module; disposing the programmable controller within the appliance plug or plug-in module; providing a plurality of electrical power delivery conductors; programming the controller by applying one or more signals to two or more of the power delivery conductors. See figures 1-4, col.2, lines 39-68 to col.6, lines 1-20.

Regarding claim 43, Murphy discloses the programming step comprises applying one or more signals to no more than three of the power delivery conductors. See figures 2-4.

Regarding claim 44, Murphy discloses a plug comprising programming the programmable controller with electronic signals communicated from a programmer to the controller through one or more of the power delivery conductors after the controller has been disposed in the appliance plug or plug-in module. See figures 1-4, col.2, lines 39-68 to col.6, lines 1-20.

Regarding claim 45, Murphy discloses the step of applying a high frequency signal to two of the power delivery conductors to place the programmable controller into a programming mode. See figures 1-4.

Regarding claim 46, Murphy discloses a series of pulses applied to two of the power delivery conductors to control both data and clock lines during programming. See figures 1-4.

Regarding claim 47, Murphy discloses a mixture of direct current and alternating

current signals to two of the power delivery conductors to place the programmable controller into a programming mode. See figures 1-4.

Regarding claim 48, Murphy discloses the programmable controller to implement a set of control actions. See figures 1-2.

Regarding claim 49, Murphy discloses a programmable controller comprises providing a microcontroller (16). See figure 2.

Regarding claim 50, Murphy discloses an element selected from the group consisting of transistors. See figure 2.

Regarding claim 51, Murphy discloses a controlling an appliance by programming the programmable controller so as to enable the appliance to perform in a manner different from its original design. See figures 1-4.

Regarding claim 52, Murphy discloses an apparatus for powering an electrical network comprising: a programmable controller; and electrostatic discharge protection diodes internal to said programmable controller and excluding rectification elements of a DC power supply external to said controller; wherein said internal electrostatic discharge protection diodes provide a source of direct current for said controller. See figures 1-4, col.2, lines 39-68 to col.6, lines 1-20.

Regarding claim 53, Murphy discloses wherein each of said internal electrostatic discharge protection diodes are paralleled by a MOSFET transistor (40) that forms an alternative conducting path around said internal electrostatic discharge protection diodes (24). See figure 2.

Regarding claim 54, Murphy discloses wherein said alternative conducting path

allows firing of a thyristor during a portion of an AC cycle when said internal electrostatic discharge protection diodes are not conducting. See figures 1-4.

Regarding claim 55, Murphy discloses of claim 52 additionally comprising an internal MOSFET transistor that is in parallel with one of said internal electrostatic discharge protection diodes, wherein while applying a gate voltage to a thyristor said MOSFET ensures that said thyristor is turned on. See figures 1-4.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cragun et al (US 5,895,986) and Bennett. (US 6,112,127) are cited to show programming controller.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Minh A whose telephone number is (571) 272-1817. The examiner can normally be reached on M-F (5:30 –2:30 PM).

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Don Wong, can be reached on (571) 272-1834. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and (703) 872-9319 for final communications.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (571) 272-1553.

Primary Examiner

Examiner

Minh A

Art unit 2821

12/20/05